IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 6651 of 2005

Between:

1 Maruti Video Games, Shop No.3, Puspa Complex, Etukuru Road,
Sri Kanyaka Parameswari Temple, Guntur, Guntur District.
rep.by its Propritor, Y. Venugopal Son of Samba Murthyu, aged 27 years.
2 Sair Siva Video Games, D.No.21-14-37, Chowtra Center,
Near Ramalayam, Guntur, Guntur District rep. by its P.Bhaskar Rao,
S/o. Nancharaiah, aged 24 years.

..... PETITIONERS

AND

1 The Superintendent of Police, Guntur District, Guntur.
2 The Station House Officer, Lalapet Police Station,
Guntur, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus directing the respondents not to interfere with the activity of the petitioners electronic video games shops and not to prosecute for not possessing licence to run the said video games whop under A.P. Gaming Act and pass such other order or orders.

Counsel for the Petitioner: MR.B.SOMASEKHAR

Counsel for the Respondents: GP FOR HOME

The Court at the stage of admission made the following :

ORAL ORDER:

Heard both sides. Perused the material placed before me.

Today, when the matter is taken up for hearing, learned counsel for the petitioners brought to the notice of this Court that in similar circumstances, a learned single of this Court disposed of W.P. No. 9650 of 2004 with certain observations, which read as under:

1. *"The petitioners who are running the games center for playing video games are not required to take out any license under the A.P. Gambling Act,*

2. *It is not suggested that the license is required under the provisions of any other Act,*

3. *The respondent-Police Officers have no power to interfere with the running of centers for playing video games on the electronic equipment on the ground that the petitioners do not possess the license, and*

4. *If it is felt that the petitioners have contravened any of the provisions of the A.P. Gambling Act, it is open for the authorities to take action to prosecute the petitioners".*

Having regard to the facts and circumstances of the case and since the subject matter of the present writ petition is covered with the facts and circumstances of the writ petition referred to above, which is also filed with similar set of facts, the writ petition is disposed of in terms of the observations and directions made in W.P. No. 9650 of 2004, at the stage of admission. No costs.

29-03-2005

Note:

Issue CC by Day after tomorrow

B/0

KVSN

To

1 The Superintendent of Police, Guntur District, Guntur.

2 The Station House Officer, Lalapet Police Station,
Guntur, Guntur District.

3 Two CCs to GP for Home, High Court Buildings, Hyderabad.

4 Two CD copies.